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SUBJECT: NGO STANDOFF WITH THE TAJIK MFA OVER REQUEST FOR PERSONNEL INFORMATION

CLASSIFIED BY: Tracey Ann Jacobson, Ambassador, U.S. Embassy, Dushanbe, State.

REASON: 1.4 (d)

¶1. (SBU) Tajikistan's international nongovernmental organization community is wrestling with how to respond to a recent Ministry of Foreign Affairs request to provide information about their local employees and tax status. The Ministry sent a letter in early January -- received by only three of the Dushanbe NGO Forum's 44 members -- requesting that diplomatic missions, international organizations and international nongovernmental organization submit a series of documents, including the charter, contracts with local employees, tax numbers of local employees. (Note: The Ministry quickly clarified that diplomatic missions were actually exempt and had no action. End note.) Much of the requested information is already on record with other government agencies, including the Ministry of Justice, Ministry of Labor, Tax Committee and Fund for Social Protection.

¶2. (SBU) The Ministry of Foreign Affairs appears ill-prepared to implement the initiative. In a January 29 meeting with PolOff and Mercy Corps and Internews country directors, SherAli Jononov, head of the Legal Department, shifted uncomfortably in his chair when asked about the legal justification for the request. He acknowledged that organizations also had to register with the Justice Ministry, but said it was not possible for the Ministry of Foreign Affairs to obtain the documents from other government agencies. "This information will help the Ministry to issue visas and register cars for international organizations." Given that staff changed on a regular basis, how often would organizations need to submit such information? Jononov did not know, but suggested a one-time submittal would suffice. What was the penalty for non-compliance? No answer.

¶3. (SBU) He added the initiative was in part to "protect the local workers of Tajikistan" from bad personnel practices, but could not refute the counterargument that worker protection was the responsibility of the Labor Ministry, not Foreign Affairs. In response to concerns that submitting copies of labor contracts violated privacy rights, Jononov suggested organizations did not really need to submit the contracts -- a list of employees, and the dates of the contract would suffice. He directed the NGO Forum to meet with a more junior Ministry employee to clarify the specifics documents requested.

¶4. (SBU) According to Tajik lawyers at the International Center for Non-Profit Law, the Ministry of Foreign Affairs has no legal basis to collect the information. Legal specialists explained to PolOff and more NGO directors January 31 that the Ministry of Foreign Affairs has the right to accredit diplomats and foreign media only. All other organizations must register with the

Ministry of Justice. The Ministry's "accreditation cards" given to foreign employees of international organizations were not required under Tajik law.

15. (C) COMMENT: Not only is the Ministry of Foreign Affairs on very thin legal ice with their request for information, the actual requirements are unclear and seem open to negotiation. The fact that the letter erroneously included diplomatic missions and that Jononov dismissed the written request for contracts suggests the request letter was hastily conceived and badly conceived and executed attempt to try to get more oversight of non-governmental organizations' activities. Foreign Affairs and Justice have a long-standing rivalry over the control of international non-governmental organizations, and this request could be the latest intra-governmental power play.

16. (C) The NGO community is split on how to respond. One camp feels inclined to submit only the information required by Tajik law, and force the Ministry of Foreign Affairs to produce legal justification. The other takes a more conciliatory approach to the Ministry of Foreign Affairs, recognizing that a little compliance could result in better support and communication with the Ministry, if not the Tajik government. The Ministry has the power to issue or deny visas, and could effectively hamstring the work of many international non-governmental organizations by denying visas to foreign employees or consultants. END COMMENT.

JACOBSON